IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRYANT K. WHITNEY, :

Petitioner : CIVIL ACTION

:

v. :

LONNIE OLIVER, et al.,¹

Respondents: No. 20-3855

ORDER

AND NOW, this // day of April, 2022, upon consideration of the Petitioner Bryant Whitney's Petition for Writ of Habeas Corpus (Doc. No. 1), Mr. Whitney's Amended Petition for Writ of Habeas Corpus (Doc. No. 8), the Respondents' Response In Opposition (Doc. No. 11), the Respondents' Supplemental Response in Opposition (Doc. No. 14), United States Magistrate Judge Richard A. Lloret's Report and Recommendation (Doc. No. 16), Mr. Whitney's Objections (Docs. No. 18), and the Respondents' Response to Mr. Whitney's Objections (Doc. No. 23) it is hereby **ORDERED** that:

- 1. The Report and Recommendation is **APPROVED** and **ADOPTED IN PART**;
- 2. Mr. Whitney's Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE**;
- 3. There is no probable cause to issue a certificate of appealability; and

¹ Mr. Whitney is incarcerated at the State Correctional Institution at Albion, Pennsylvania ("SCI Albion"), and he properly named Michael Clark, who was the superintendent of SCI Albion, as the respondent in this case. Since that filing, Lonnie Oliver has replaced Mr. Clark as the superintendent of SCI Albion. SCI Albion, Department of Corrections, https://www.cor.pa.gov/Facilities/StatePrisons/Pages/Albion.aspx (last visited Apr. 7, 2022). Therefore, the Court substituted Ms. Oliver as the correct respondent in this case. See Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts ("If the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody.").

4. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

GENE E.K. PRATTER

United States District Judge